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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,085	12/28/2001	Yonas D. Seme	418268888US	3973

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EXAMINER	
JACKSON, JAKIEDA R	
ART UNIT	**PAPER NUMBER**
2626	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/035,085	SEME, YONAS D.	
	Examiner	Art Unit	
	JAKIEDA R. JACKSON	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 February 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *37-42 and 48-58* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *37-42 and 48-58* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. In response to the Office Action mailed September 27, 2007, applicant submitted an amendment filed on February 20, 2008, in which the applicant amended and requested reconsideration.

Response to Arguments

2. Applicant argues that Olivier and Trudeau fail to teach *based on the received indication of the second translation preference*, translating *by the first device* the received message from the first translation preference to the second translation preference. Applicant's arguments are persuasive in view of new grounds of rejections.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 37-42 and 48-52 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The amendment in which the translation is done by the first device is not shown in the specification or drawings. Figure 4 shows a content translation module (element 154) wherein the first device

sends the information to the content translation module to be translated and the translated information is sent to the second device. It is not seen in the specification or drawings where the first device does the translation. The only part of the specification that comes close to the amendment is paragraph 0029 (referring to the PGPUB 2003/0125927). It states that the content translation module may be located within the *same network* as the source or destination device, but that does not imply the first device does the translation. That only implies a system containing a combination of devices interconnected by telecommunication equipment or cables used to transmit or receive information, not that the actual first device does the translation.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. **Claims 37-42 and 48-52** are rejected under 35 U.S.C. 103(a) as being unpatentable over Olivier (USPN 6,480,885) in view of Trudeau (USPN 5,987,401) and in further view of Stringham (PGPUB 2002/0188670).

Regarding **claims 37 and 48**, Olivier discloses a method and system for translating instant messages exchanged between a first user using a first device and a

second user using a second device over a communication network, the first user having a first translation preference and the second user having a second translation preference, the method comprising:

establishing an instant messaging session between the first device and the second device (instant messaging; column 4, lines 47-63 and column 22, lines 22-31 with column 23, line 46 – column 24, line 65);

sending by the first device to the second device during the established session an indication of the first translation preference (senders profile data are included in the body of the message; column 13, lines 43-54 and column 17, lines 21-39 with column 23, line 46 – column 24, line 65);

receiving by the first device from the first user a first message intended for the second device, the first message composed according to the first translation preference (message; column 17, lines 21-39);

receiving a first message as input composed by the first user in the first preferred language (specifies language of choice; column 17, lines 21-39);

translating the received first message from the first translation preference to the second translation preference (language preference; column 17, lines 28-39); and

transmitting the translated message in the second translation preference to the second device as an instant message during the established session via the communication network (column 23, line 46 – column 24, line 65 with column 12, lines 25-47), but does not specifically teach receiving by the first device from the second device during the established session an indication of the second translation

preference, wherein the second translation preference is different from the first translation preference.

Trudeau teaches a technique for language translating of real-time text-based conversation. The user is able to communication in text-based conversations on an international level without language barriers. Each member of the conversation no longer needs to understand the language in which the conversation is held. A user can select his or her own language and converse with the other members of the conversation as though he or she was fluent in the conversation language. The translation is performed in essentially real-time so that the user requiring translation is not hindered (column 3, line 66 – column 4, line 52). Each device knows the other language because if the conference language is Spanish and the user language is English, then for an outgoing message, the appropriate language translator selected would be an English-to Spanish translator (column 10, lines 1-50). The message is translated before sending it to the chat group since the language preference is known by the first and second device (column 11, lines 1-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Olivier's method and system wherein it receives by the first device from the second device during the established session an indication of the second translation preference, wherein the second translation preference is different from the first translation preference, as taught by Trudeau, to provide on-line services such that international, real-time, text-based conversations can be had

between two or more users who themselves use different languages to converse (column 1, lines 44-47).

Olivier in view of Trudeau discloses a method and system for translating instant messages, but does not specifically teach wherein the translation is done by the first device based on the received indication of the second translation preference.

Stringham discloses a method and system wherein the language translation may be performed using automated language translation software that is incorporated into the program (abstract with paragraph 0016) and where the language used by the associated designated correspondent is retrieved (paragraph 0019), to enable message translation.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Olivier in view of Trudeau's method and system as described above, to enable language translation the does not require a user to launch multiple software (paragraph 0006).

Regarding **claims 38 and 49**, Olivier discloses the method and system further comprising, storing by the first device the received indication of the second translation preference (specifies language of choice; column 17, lines 21-39).

Regarding **claims 39 and 50**, Olivier discloses the method and system wherein the translation preference is specified as a destination language (specifies language of choice; column 17, lines 21-39).

Regarding **claims 40 and 51**, Olivier discloses an instant messaging method and system wherein the translation preference is specified as a locality (location; column 5, lines 54-56 and column 14, lines 29-33).

Regarding **claims 41 and 52**, Olivier discloses the method and system wherein the translation preference is specified as a geographic setting (geography; column 5, lines 54-56 and column 8, lines 8-15 with column 11, lines 58-67 and column 14, lines 29-33 with column 15, lines 29-51).

Regarding **claim 42**, Olivier computer-readable medium instructions for performing the steps recited in claim 37 (computer communication; column 12, lines 25-47 with column 22, line 22 – column 24, line 22).

7. **Claims 53-57** are rejected under 35 U.S.C. 103(a) as being unpatentable over Olivier in view of Trudeau and Stringham and in further view of Dietz (USPN 5,385,586).

Regarding **claim 53**, it is interpreted and rejected for the same reasons as set forth in claim 37 and 48. In addition, Olivier in view of Trudeau and Stringham teach a translation system comprising a user profile (user profile) containing geographical information (Olivier; geography, column 5, lines 23-67), but does not specifically teach that the information is translated based on the geographic information.

Dietz discloses a translation system wherein the translation is based on geographical information (column 4, lines 43-64), to determine what language the information needs to be translated into.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Olivier in view of Trudeau and Stringham's system wherein it includes geographical information, as taught by Dietz, for providing a language translation environment on a data processing system to improve speech communication in foreign languages (column 1, lines 11-15).

Regarding **claim 54**, it is interpreted and rejected for the same reasons as set forth in claim 53. In addition, Olivier teaches a method the first geographic information includes a locality of the first user (geography, column 5, lines 23-67).

Regarding **claim 55**, it is interpreted and rejected for the same reasons as set forth in claim 53. In addition, Trudeau discloses a method wherein the computer system is the first device of the first user (computer system; column 5, lines 59-67).

Regarding **claim 56**, it is interpreted and rejected for the same reasons as set forth in claim 53. In addition, Trudeau teaches a method wherein the computer system is a server (server; column 6, lines 17-34).

Regarding **claim 57**, it is interpreted and rejected for the same reasons as set forth in claim 53. In addition, Olivier discloses a method wherein the receiving of the first profile information and the receiving of the second message are performed at the second device and the receiving of the second profile information and the receiving of the first message are performed at the first device (column 5, lines 15-67)

Regarding **claim 58**, it is interpreted and rejected for the same reasons as set forth in claim 53. In addition, Olivier discloses a method wherein the receiving of the

first profile information and the second profile information occurs during initiation of a session for exchanging messages (column 5, lines 15-67).

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAKIEDA R. JACKSON whose telephone number is (571)272-7619. The examiner can normally be reached on Monday-Friday from 5:30am-2:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JRJ
May 2, 2008

/David R Hudspeth/
Supervisory Patent Examiner, Art Unit 2626